

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

CENTRAL BROWN COUNTY WATER
AUTHORITY,

Plaintiff,

vs.

Case No. 09-C-131

CONSOER, TOWNSEND, ENVIRODYNE,

Defendant.

Deposition of PAUL DAMON
Wednesday, September 21st, 2011

9:00 a.m.

at

CDM
330 East Kilbourn Avenue, Suite 1219
Milwaukee, Wisconsin

Reported by Kealoha A. Schupp, RPR

EXHIBIT

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1 30 miles, I'm assuming. Probably the actual length
2 was the 157,500.
3 Q You don't know that for sure, do you?
4 A I don't know that for sure.
5 Q Do you know why Ms. Smith didn't just use the lowest
6 dollar per foot that may have been quoted to her of
7 \$8.234 to get to her number?
8 A I don't know.
9 Q Do you know what Ms. Smith meant when she said,
10 "Ratio of new length versus already quoted length"
11 means?
12 A (Calculating.)
13 I don't know about the actual number.
14 Looks like what happened is that she's saying that
15 because the length is -- required is almost four
16 times what was quoted, she's going to apply the same
17 economy of scale of the 83 percent.
18 Q I don't understand what you mean by that.
19 How do you get to the 3.713 number?
20 A I don't know how she got that number. I'm just
21 saying that what's happening up here where she said
22 four times the length result in 83 percent of the
23 linear foot cost, unit cost, right underneath that
24 table, she's now saying that she's using the same
25 83 percent -- excuse me -- yeah, the same 83 percent

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1 factor for economy of scale because it's about four
2 times the quoted length.
3 Q Do you know where she came up with the 83 percent?
4 Did you talk to her about that?
5 A No. No.
6 Q Do you know --
7 A She had asked us in -- in our work what kind -- for
8 doing multiple locations, and we indicated about a
9 10 percent savings.
10 So I'm not sure where she got the
11 83 percent in this case.
12 Q Do you know what she means by "new length versus
13 already quoted length," or would you be speculating?
14 A Well, I'm just speculating, I'm assuming what she's
15 talking about is, okay, I have quotes for these
16 lengths here. I have a whole lot more than that.
17 And so she was justifying using a discount on the
18 price because there's about 30 miles of it, and what
19 was quoted wasn't that much.
20 Q Do you know what distance she was talking about when
21 she said "new length"?
22 A No.
23 Q Do you know where she got the
24 engineering/coordination cost of 176,990?
25 A (Perusing documents.)

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1 Q Do you know where she got the \$176,990 number?
2 A Specifically, no.
3 I'm -- there are calculations on other
4 engineering costs, but I don't think they're in here.
5 Q Is it fair to say that you had very limited
6 discussions with Ms. Smith about the costs of
7 profiling for deflection? Correct?
8 A Yes.
9 Q And you really haven't spent much time at all
10 reviewing the backup on page 129, correct?
11 A That's correct.
12 Q And, for example, on the column of "Costs Received"
13 the dollar values and the lengths, you did not talk
14 to Red Zone Robotics. That was Erin Smith, correct?
15 A I believe it was Erin Smith, yes.
16 Q So you don't know whether the numbers identified in
17 that chart were given to her by Red Zone Robotics or
18 which she may have extrapolated herself, correct?
19 A Correct.
20 Q And you didn't talk to Red Zone to find out what the
21 scope of their work was, correct?
22 A Correct.
23 Q And you don't know how Ms. Smith got to the number or
24 what it means where she says, "4.242 times the length
25 results in: 83 percent of the linear foot unit

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1 cost," correct?
2 A That's correct.
3 Q And you're not sure what she means when she refers to
4 "new length versus already quoted length," is that
5 fair to say?
6 A Well, other than I surmise that the -- what she's
7 calling the "new length" would be the 157,500 feet,
8 which, again, I'm assuming is the total length of the
9 pipe that needs to be profiled.
10 So, again, she's somehow taking what
11 was up here in this first table and applying it to
12 the total length of the job.
13 Q But you're not sure that's what she actually did?
14 A I didn't talk to her about it, no.
15 Q And you don't know how she got to the number of
16 engineering/coordination cost being in the amount of
17 \$176,990?
18 A Correct.
19 Q Under the circumstance -- under circumstances where
20 you don't know the answers to all of the questions on
21 how Ms. Smith got to these numbers, did her
22 calculations, and the discussions that she had with
23 Red Zone Robotics, as you sit here today, can you
24 testify under oath that the cost of laser profiling
25 is \$1,356,925?

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1 Can you say that within a reasonable
2 degree of certainty under oath?
3 A I would say --
4 Q Or would you have to talk to Erin Smith?
5 A I'd have to talk to Erin Smith.
6 Q Because you're not comfortable with how she got to
7 these numbers; is that fair?
8 A Well --
9 Q You can't explain --
10 A I can't come up with these exact numbers. I can see
11 the concept of what was happening. So I can't -- I
12 mean, the method might be okay, but I can't arrive at
13 the exact numbers.
14 Q Moving on to a different topic, deflection, to me, is
15 kind of a different animal from the actual proposal
16 to do some remediation on the pipeline.
17 And in that regard, you have on page
18 81 identified three areas of probable construction
19 costs, and that's in the areas of the gasket and bolt
20 replacement, the pipeline access, and valve support.
21 A Correct.
22 Q And I just generally wanted to first walk through
23 what you understand Mr. Hampton to be proposing to be
24 done in that regard.
25 Did you have any discussions with

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1 anyone about why it is that gaskets and bolts are
2 being replaced or being proposed to be replaced?
3 A Reasons for the --
4 Q Right.
5 A It may have been mentioned, but for what I'm doing it
6 really doesn't matter. It's like, here's the work
7 that they want to do, and how much would that cost to
8 do.
9 Q Okay. And --
10 A The reasons are kind of -- from my perspective, are
11 sort of irrelevant.
12 Q And in your report, you were estimating what you
13 referred to as "Hampton's design."
14 Is Hampton's design what is depicted
15 on page 115?
16 I think there might be several
17 versions or several copies --
18 A There are two sketches, but yes, this is one.
19 Q If you turn to page 154, is that the other sketch
20 that you were referring to?
21 A Yes. 154 and 155.
22 Q Other than those three drawings, were you provided
23 with any other drawings that you can recall or any
24 other written specifications?
25 A No.

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1 Q Is that -- are these drawings typical of what you
2 would see to prepare these types of estimates of
3 probable construction costs?
4 A Yes.
5 Q In your opinion --
6 MR. BARTZEN: Sorry to interrupt. What was
7 the page of the second sketch 148, 149? Second
8 sketch 149?
9 MS. SCHELLINGER: I've got --
10 THE WITNESS: 154.
11 MR. BARTZEN: 149 and 150. Okay, thank
12 you.
13 MS. SCHELLINGER: It's the same as 140- --
14 154 and 155.
15 BY MS. SCHELLINGER:
16 Q And it's fair to say that to the extent that there
17 was detail lacking on these drawings, you just called
18 up Mr. Hampton and said, what is it that you want me
19 to estimate here?
20 A Right. Typically we would get a sketch like this
21 from the engineer, and then we'd start asking
22 questions about the situation. Because estimating
23 one pipe one place, and a different scenario a
24 different place, they cost differently.
25 Q Just walk me through the replacement of the bolts and

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1 the gaskets, that operation, and refer to the drawing
2 if that helps.
3 But explain to me how it is you would
4 go about -- what you understood what would be done,
5 and then how you would go about estimating that.
6 If it helps, I'll just put a sticky on
7 that.
8 A Refer to page 55. That kind of walks through the
9 steps.
10 Q And that's a portion of your expert report; is that
11 correct?
12 A Yes.
13 Q Okay. I'm there.
14 So explain to me what it is that you
15 would be doing.
16 A That I would be doing? Okay.
17 Well, first thing you would do is
18 arriving wherever this location is, and you'd have to
19 set up some kind of safety barriers, cones, signage,
20 at the location to protect the construction workers.
21 Then you'd have to start excavating at
22 the location.
23 Q Do you know how deep this pipe was buried -- is
24 buried?
25 A Not specifically. Couldn't have been very deep